Supreme Court, U. S.
FILED
DEC 8 1980
MICHAEL RODAK, JR., CLERK

No. 80-437

In the Supreme Court of the United States

OCTOBER TERM, 1980

GEORGE ARSHAL, Petitioner

v.

THE UNITED STATES

On Petition for a Writ of Certiorari to
the United States Court of Claims

REPLY OF PETITIONER TO THE BRIEF OF THE UNITED STATES IN OPPOSITION

George Arshal
Petitioner

124 South 339 Circle, Apt. C
Federal Way, WA 98003
(206) 773-0344

IN THE SUPREME COURT OF THE UNITED STATES

No. 80-437

GEORGE ARSHAL, Petitioner

v.

THE UNITED STATES

REPLY OF PETITIONER TO THE BRIEF OF THE UNITED STATES IN OPPOSITION

The respondent has reported that:

> "[P]etitioner conceded below that all of the elements of his claimed invention except the equation were old." (Br. in Opp. 6 fn. 13).

The report is incorrect. It refers to a statement by the trial judge which relies on certain references (Pet. App. 78a fn. 27). Those references support only the fact that individual elements of the claim were known; they do not represent the equation as new. The record in the Court of Claims clearly establishes the equation as a well known statement of

rigid body motion and shows specific prior art embodiments and applications of the equation. (See Pet. App. 77a fn. 26.)

This Court has pointed out that the application of scientific knowledge to a new and useful end may be patented. Whether the scientific knowledge or the mathematical expression of it is old or new is immaterial. Parker v. Flook, 437 U.S. 584, 590-592 (1978). The claimed invention in this case has been found to be new, unobvious, and usefully applied (Pet. App. 79a-81a, 105a-107a). It clearly satisfies the standard of patentability stated in Flook.

Respectfully submitted.

George Arshal
Petitioner

December 1980